

Exhibit 1

From: [Chuck Steese](#)
To: [McGinty, William \(ATG\)](#)
Cc: [Davila-Simmons, Rebecca A. \(ATG\)](#); ["Sherr, Adam \(Adam.Sherr@lumen.com\)"](#)
Subject: RE: UT-181051 Meet and Confer Follow-Up
Date: Friday, October 14, 2022 1:41:59 PM

[EXTERNAL]

Will:

Thank you for the update.



Armstrong Teasdale LLP
Chuck Steese | Partner
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Always exceed expectations through teamwork and excellent client service.

From: McGinty, William (ATG) <william.mcginnty@atg.wa.gov>
Sent: Friday, October 14, 2022 12:03 PM
To: Chuck Steese <CSteese@atllp.com>
Cc: Davila-Simmons, Rebecca A. (ATG) <Rebecca.DavilaSimmons@atg.wa.gov>; 'Sherr, Adam (Adam.Sherr@lumen.com)' <Adam.Sherr@lumen.com>
Subject: RE: UT-181051 Meet and Confer Follow-Up

Chuck,

Further on follow-up from our meet and confer, Staff will be able to supplement DR 44 (and also, almost by definition, DR 11) by Friday, October 21.

This will certainly include some re-production of records you already have. Prior counsel did not bates stamp their productions, making it difficult for us to know what productions were made in response to which data requests. For that reason, we are erring on the side caution, even if that means some duplicative production.

The production on Friday, October 21, will include over 1,000 documents and emails, but, as I say above, we believe you already have most of these but cannot verify from our end they were provided in response to DRs 11 or 44.

Let me know if you have any concerns or need to talk.

Regards,

William McGinty (he, him)
Assistant Attorney General
Complex Litigation Division
P.O. Box 40111
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(360) 709-6027

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From: McGinty, William (ATG)
Sent: Friday, October 7, 2022 8:00 AM
To: Chuck Steese <CSteese@atlp.com>
Cc: Davila-Simmons, Rebecca A. (ATG) <Rebecca.DavilaSimmons@atg.wa.gov>; Sherr, Adam (<Adam.Sherr@lumen.com> <Adam.Sherr@lumen.com>
Subject: RE: UT-181051 Meet and Confer Follow-Up

Chuck,

The answer to both of your questions is no. Apart from the obvious—i.e., the testimonies, exhibits, and other citations referenced in Dr. Akl’s and Mr. Webber’s testimonies upon which they rely for the factual basis of their opinions and of which you already have copies—you’ll see unredacted correspondence in the production today to which both Dr. Akl and Mr. Webber were a part.

I’m not sure why some of this material wasn’t produced before. I can only assume it was inadvertent.

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From: Chuck Steese <CSteese@atlp.com>
Sent: Thursday, October 6, 2022 4:28 PM

To: McGinty, William (ATG) <william.mcginty@atg.wa.gov>

Cc: Davila-Simmons, Rebecca A. (ATG) <Rebecca.DavilaSimmons@atg.wa.gov>; Sherr, Adam (Adam.Sherr@lumen.com) <Adam.Sherr@lumen.com>

Subject: RE: UT-181051 Meet and Confer Follow-Up

[EXTERNAL]

Will:

Thank you for the email. A few questions.

1. The documents you produced in response to the recent DRs did not appear to contain a single document that went to/from Dr. Akl. Your email below says “For DR 33 respective to Dr. Akl, that will be completed by the close of business tomorrow, Friday October 7.” Is it your position that there is not a single document provided to Dr. Akl that warrants production in any form other than a redacted form? Please advise.
 - a. For tomorrow’s production, please use the Staff’s SFT site and make sure to send the link to me as well as Adam Sherr (copied).
2. Likewise, there does not appear to be a single document in Mr. Webber’s file that post-dates the CenturyLink responsive testimony. Is it your position that there is not a single document provided to Mr. Webber after March 31, 2022 that warrants production in any form other than a redacted form? Please advise.
3. We will schedule the deposition of Mr. Webber sometime during the Nov. 8-11 timeframe. We will get back to you with a specific date soon.

Regards,



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From: McGinty, William (ATG) <william.mcginity@atg.wa.gov>

Sent: Thursday, October 6, 2022 4:38 PM

To: Chuck Steese <CSteese@atllp.com>

Cc: Davila-Simmons, Rebecca A. (ATG) <Rebecca.DavilaSimmons@atg.wa.gov>

Subject: UT-181051 Meet and Confer Follow-Up

CAUTION: EXTERNAL EMAIL

Counsel,

It was a pleasure to meet you yesterday. Following up on our meet and confer I promised you three things:

1. A supplementation of Staff's response to CLC DR 28
2. An explanation regarding redacted and withheld materials responsive to CLC DRs 33 and 44
3. A choice from Staff regarding whether to supplement CLC DRs 37-42 or consent to the deposition of Mr. Webber

Supplement to DR 28

This will be distributed to all parties by the end of the day tomorrow (October 7, 2022).

Redacted and Withheld Material Responsive to DRs 33 and 44

Contrary to your assertions during the meet and confer yesterday, communications between experts and attorneys that do not contain factual matter upon which the expert bases their opinion but that do contain mental impressions, legal theories, and other attorney work product are privileged from discovery under the work product privilege. *Dempsey v. Spokane Washington Hosp. Co., LLC*, 1 Wn.

App. 2d 628 (2017). It is for this reason that you see redactions in certain communications between Staff's counsel and Staff's expert witnesses and that certain materials responsive to DRs 33 and 44 were withheld.

Regardless, we will supplement our response to DRs 33 and 44 with redacted versions of such correspondence where appropriate and/or note on a privilege log where such correspondence has been withheld. For DR 33 respective to Dr. Akl, that will be completed by the close of business tomorrow, Friday October 7.

We do not have a timeline for Mr. Webber's correspondence at the moment, but will either provide a timeline or supplement our response by Friday, October 14.

I understand that for prior productions, you have given staff directions for a secure file transfer site. The Attorney General's Office generally provides an SFT site for these purposes, but if you would prefer to use your site that's fine. Please send directions for the best means of production to Rebecca Davila-Simmons, CC'd on this email.

Deposition of Mr. Webber

Staff will stand on their objections to DRs 37-42. Whether you wish to note a deposition of Mr. Webber is your choice and prerogative. I will note, however, that Mr. Webber is not available until November 8-11. Staff will agree to a continuance of the discovery cut-off solely for the purpose of deposing Mr. Webber.

Please let me know if you would like to discuss any of the above.

Regards,

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